

REMARKS

The Applicants do not believe that entry of the foregoing response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the foregoing response be entered and that the claims to the present application, kindly, be reconsidered.

The Office Action dated January 13, 2005 has been received and considered by the Applicants. Claims 1-13 are pending in the present application for invention. Claims 1-13 are rejected by the January 13, 2005 Office Action.

The Office Action suggests specification headings. The Examiner refers to 37CFR 1.77(b), and states that the Applicants is required to use the specification headings suggested therein. The Applicants, respectfully, point out that 37 CFR 1.77(b) provides a suggestion for specification headings; however, there is no requirement that the specification contain headings. It is only required that the information appear in the order stated by 37 CFR 1.77(b). Therefore, the Applicants, respectfully decline to add specification headings because they are not required.

The Office Action rejects Claim 1-2, 4 and 6-8 under the provisions of 35 U.S.C. §101, as not defining statutory subject matter.

Regarding Claims 1-2, 4 and 6, the Examiner states these claims do not define statutory subject matter because they recite that the device is a technological device and as such do not define statutory subject matter. The Applicants, respectfully, assert that Claims 1-2, 4 and 6, define subject matter for a device for browsing including display means. Claims 1-2, 4 and 6, define a device, not a computer program, therefore the subject matter defined by Claims 1-2, 4 and 6 is clearly statutory subject matter. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 7, the Examiner states that the language of this claim raises questions as to whether Claim 7 is directed to an abstract idea that is not a practical application producing a useful and tangible result. The Applicants, respectfully, assert that Claim 7 defines subject matter for a device for browsing including showing in a display area an image from an image collection. Claims 7 defines a device not a computer program, therefore the subject matter defined by Claim 7 is clearly statutory subject matter. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 8, the Examiner states that this claim recites a computer program

product and is not directed to a machine readable medium. Claim 8 defines a computer program product that enables a programmable device to function as the device defined in Claim 1 when executing the computer program product. Claim 8 positively recites a program that can readily be used by a machine. There are numerous mediums that can be used to store the computer program product defined by Claim 8, and this will be readily apparent to those skilled in the art. The Applicants, respectfully, point out that electronic data storage media such as disc drives and memory technology, as well as electrical signals can all be used to implement the computer program product defined by Claim 8 on a programmable device to provide to the device defined by Claim 1. Accordingly, the Applicants, respectfully, assert that Claim 8 defines subject matter that is statutory.

The Office Action rejects Claims 1, 7, and 8/1 (Claim 8 that depends on Claim 1) under the provisions of 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,317,141 issued to Pavley et al. (hereinafter referred to as Pavley et al.) in view of U.S. Patent No. 6,310,631 issued to Cecco et al. (hereinafter referred to as Cecco et al.).

The Examiner states that Pavley et al. teach all the element of the rejected claims except for the feature of each representation has a portion that can be used to select characteristics of the representation. The Examiner states that Cecco et al. teach a user interface control to manipulate the display of representation panes.

The Applicants, respectfully, point out that each of the rejected claims defines subject matter for "a portion that can be used to select characteristics of that representation". The Examiner's position is that Fig. 5 and col. 5, lines 58-67 of Cecco et al. teach a user interface control to manipulate the display of representation panes. It is further the Examiner's position that this teaching of Cecco et al. is equivalent to the subject matter defined by the rejected claims for "a portion that can be used to select characteristics of that representation". The Applicants, respectfully, point out that each representation within the rejected claims is defined as corresponding to an image. Therefore, each representation (image) within the sequence has a portion that can be used to select the characteristics of that representation (image). There is no disclosure, or suggestion, within Cecco et al. or Pavley et al., either alone or in combination for browsing means for showing a sequence of images wherein each image within the sequence has a portion that can be used to select the characteristics of that image. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 2, 8 and 9 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. and Cecco et al. and further in view of U.S. Patent No. 6,008,812 issued to Ueda et al. (Ueda et al.). The Examiner states that Pavley et al. and Cecco et al. teach a representation with a border area wherein the pane is resized in response to the selection of its' border. As previously discussed, the Applicants, respectfully, assert that the rejected claims do not read on resizing the border area of a windowpane in a display. The rejected claims defines subject matter for a browsing device showing a sequence of images and showing a selected image from the sequence in a display area wherein each image has a portion that can be used to select characteristics of that image. The Examiner admits that Pavley et al. and Cecco et al. do not teach a response to a selection of the border area of a representation, wherein the response is a selection of images having the same category within the sequence. The Examiner states that Ueda et al. teach that a response to a selection of a border area of representation, said response selecting representations like the same category as the representation whose border has been selected. The Examiner refers to column 32, lines 59-64 of Ueda et al. for teaching a selection device that selects all images whose image type is the same category. The Applicants, respectfully, point out that none if the cited references of Pavley et al., Cecco et al. and Ueda et al. disclose or suggest a border area as the portion of an image area that is used to select all image of that type or category. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 3, 8 and 10 under the provisions of 35 U.S.C. §103(a), as being unpatentable over Pavley et al. and Cecco et al., in view of U.S. Patent No. 5,237,648 issued to Mills et al. (hereinafter referred to as Mills et al.). The Applicants respectfully assert that these claims depend from claims previously discussed above that are believed to be allowable. Claims 3, 8 and 10 depend from and further narrow and define those previously discussed claims. Therefore, Claims 3, 8 and 10 are believed to be allowable.

The Office Action rejects Claims 4 and 8 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. and Cecco et al., in view of U.S. Patent No. 6,259,432 issued to Yamada et al. (hereinafter referred to as Yamada et al.). The Applicants respectfully assert that these claims depend from claims previously discussed above that are believed to be allowable. Claims 4 and 8 depend from and further narrow and define those previously discussed claims. Therefore, Claims 4 and 8 are believed to be allowable.

The Office Action rejects Claims 5, 8 and 12 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Payley et al. and Cecco et al., in view of U.S. Patent No. 6,211,879 issued to Soohoo (hereinafter referred to as Soohoo). The Applicants respectfully assert that these claims depend from claims previously discussed above that are believed to be allowable. Claims 5, 8 and 12 depend from and further narrow and define those previously discussed claims. Therefore, Claims 5, 8 and 12 are believed to be allowable.

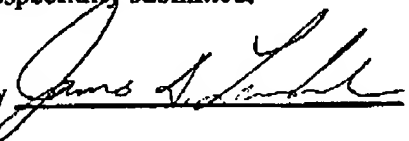
The Office Action rejects Claims 6, 8 and 13 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Payley et al. and Cecco et al., in view of U.S. Patent No. 6,437,802 issued to Kenny (hereinafter referred to as Kenny). The Applicants respectfully assert that these claims depend from claims previously discussed above that are believed to be allowable. Claims 6, 8 and 13 depend from and further narrow and define those previously discussed claims. Therefore, Claims 6, 8 and 13 are believed to be allowable.

The foregoing amendment adds new Claim 14 that is of similar scope to Claims 1 and 7. Therefore, examination of new Claim 14 will not result in the introduction of new matter into the present application for invention. New Claim 14 is believed to be allowable for the previously stated reasons for Claims 1 and 7.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach
Patent Attorney Reg. No. 34,374

Please address all correspondence for this application to:
Michael E. Belk, Senior Intellectual Property Counsel
Philips Intellectual Property & Standards
Philips Electronics N.A. Corp.
P.O. Box 3001
Briarcliff Manor, NY 10510-8001 USA
(914) 333-9643,

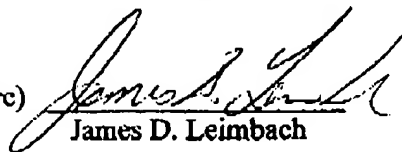
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By:


James D. Leimbach